

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DALE LYNN KOKES,

Defendant.

4:07CR3043

ORDER TO REDUCE TERM  
OF IMPRISONMENT TO  
TIME SERVED

**BEFORE THE COURT** is a motion filed by the United States of America and the Director of the Federal Bureau of Prisons pursuant to 18 U.S.C. § 3582(c)(1)(A)(i), seeking a modification of the term of imprisonment of the Defendant, Dale Kokes, to time served, and commencement of a five-year term of supervised release previously imposed. The court finds:

1. Defendant, Dale Kokes, pled guilty to violating 21 U.S.C. § 846, Conspiracy to Distribute Methamphetamine.
2. Mr. Kokes was sentenced on January 24, 2008, in the United States District Court for the District of Nebraska to 262 months of imprisonment with 5 years of supervised release. On November 17, 2009, his term of imprisonment was reduced to 120 months, with the five-year term of supervised release remaining in effect.
3. Mr. Kokes suffers from a terminal medical condition and is considered to have a life expectancy of 12 months or less.
4. Title 18 U.S.C. § 3582(c)(1)(A)(i) authorizes the court, upon motion of the Director of the Federal Bureau of Prisons, to modify a term of imprisonment upon the

finding that extraordinary and compelling reasons warrant the reduction. The Director of the Federal Bureau of Prisons contends, and this court agrees, that the Defendant's terminal medical condition and limited life expectancy constitute extraordinary and compelling reasons warranting the requested reduction.

**IT IS THEREFORE ORDERED** that the Defendant's term of imprisonment is hereby reduced to the time he has already served.

**IT IS FURTHER ORDERED** that the Defendant shall be released from the custody of the Federal Bureau of Prisons as soon as his medical condition permits and the release plan is implemented.

**IT IS FURTHER ORDERED** that upon his release from the custody of the Federal Bureau of Prisons, the Defendant shall begin serving the five-year term of supervised release previously imposed.

**DONE AND ORDERED THIS 8<sup>th</sup> DAY OF JULY 2015.**

BY THE COURT:

s/ Richard G. Kopf  
Senior United States District Judge